IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.3010 OF 2001
IN
FIRST APPEAL NO.583 OF 2001

Mohd. Iqbal Patel ...Applicant
Vs.
B.M.C. ...Respondent

Shri N.B. Gawde i/by Y.E.Mooman for the Applicant.
Ms Nisha A. Dabhade for the Respondent.

CORAM : A. S. OKA, J.
DATE : JUNE 15, 2006.

P.C.:

1. Rule. Respondent waives service. Taken up for hearing forthwith. As the First Appeal has been admitted for final hearing, the suit structure will have to be protected. However, an unconditional relief cannot be granted in favour of the Applicant.

2. Hence, Civil Application is disposed of by passing following order:

(i) Till the final disposal of the Appeal, the Respondent-Corporation is restrained from demolishing the suit structure on the basis of the notice dated 16th March, 1988 issued by the Respondent.

(ii) Interim relief in above terms is granted subject to condition that the Applicant will file in this court within a period of three weeks from today an undertaking in writing stating therein that till the final disposal of the Appeal he will not create any third party interest in respect of the suit structure, he will not part with possession of the suit structure and he will not carry out any additions or alterations to the suit structure without permission of the Respondent-Corporation.

(iii) If undertaking is not filed within the stipulated period, interim relief will stand vacated without further reference to the court.

(iv) There will be no orders as to costs.

JUDGE